

REMARKS

An excess claim fee payment letter is submitted herewith for one (1) additional independent claim.

Claims 5-8 and 11-23 are all the claims presently pending in the application. Claim 23 is added. Claims 5-8 and 23 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Applicants gratefully acknowledge the Examiner's indication that claims 5-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Amendment that was filed on May 22, 2007, rewrote allowable claims 5-8 into independent form including all of the limitations of the base claim and any intervening claims, cancels claims 1-4, and 9-10, and adds new claims, all of which depend from allowable independent claims 5-8.

Applicants respectfully submit that all claims are allowable.

THE ISHIKAWA ET AL. REFERENCE

New independent claim 23 recites that the relative refractive index difference between the clad and the core of the optical fiber is in a range of from 0.1 % to 0.2 %. This is not disclosed by the Ishikawa et al. reference.

The Office Action alleges that it is inherent that the relative refractive index difference of the optical fiber is in a range of from 0.1 % to 0.2 %. In particular, the Office Action alleges that this is inherent "since the optical fibers are similar to each other." In other words, the Office Action alleges that the relative refractive differences between optical fibers is in a range of from 0.1 % to 0.2 %.

In stark contrast, new independent claim 23 recites that the relative refractive index difference between the clad and the core of the optical fiber is in a range of from 0.1 % to 0.2 %. The Ishikawa et al. reference fails to disclose the refractive indexes of the core and the clad of the optical fiber. Accordingly, it is not possible to calculate the relative refractive difference between the clad and the core of the optical fiber. Therefore, Ishikawa et al.

reference fails to disclose that claimed feature.

That is, while Ishikawa discloses on column 34, lines 39-54, the use of single mode, the claimed invention still distinguishes from Ishikawa by the points as discussed above. This, Ishikawa discloses the use of the single mode, but the claimed invention of claim 23 is still patentable.

In this regard, the optical fibers used in optical fiber networks typically have lengths of several kilometers. If such optical fibers have a small relative refractive index difference between the clad and the core of the optical fiber as recited by new claim 23, the propagation loss would become very large. In contrast, the claimed invention is directed to an optical recording apparatus which has an optical fiber length of only one meter or so.

Accordingly, the claimed invention employs the relative refractive index difference of 0.1% to 0.2%, which is the smaller limitation in manufacturing. By having this feature, the diameter of the beam spot from the optical fiber can be large enough to stabilize the optical system.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 5-8 and 11-23, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


10/829,330
DOCKET NO. H64-167117M/MNN

8

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 6/12/07


James E. Howard
Registration No. 39,715

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254